

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Frank Ray Shoop,	)	CASE NO. 3:15 CV 2437
	)	
Plaintiff,	)	JUDGE JAMES G. CARR
	)	
v.	)	
	)	<b>ORDER OF DISMISSAL</b>
Gary Mohr, et al,	)	
	)	
Defendants.	)	

Plaintiff *pro se* Frank Ray Shoop, an inmate at the Grafton Correctional Institution (“GCI”), originally filed this *in forma pauperis* prisoner civil rights action in the United States District Court for the Southern District of Ohio. S.D. Ohio Case No. 2:15 CV 2437.

His complaint contains numerous conditions-of-confinement, retaliation and access-to-court claims against officials employed directly by the Ohio Department of Rehabilitation and Correction, and against officers and employees at GCI and the Marion Correctional Institution, where plaintiff was formerly incarcerated.

The Southern District granted plaintiff’s *in forma pauperis* request, dismissed the ODRC defendants, and transferred the case to this court as the proper venue. For the reasons stated below, the order granting *in forma pauperis* status is vacated, and this action is dismissed without prejudice.

A prisoner is prohibited from bringing a civil action or appealing a judgment in a civil action *in forma pauperis* if, on three or more prior occasions, the prisoner brought an action or

appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted, “unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

Shoop has, on at least six prior occasions, filed a civil action in this court that was dismissed as frivolous or for failure to state a claim. *See, Shoop v. Dunbar*, N.D. Ohio Case No. 3:94 CV 7037; *Shoop v. Lucas*, N.D. Ohio Case No. 3:94 CV 7057, *Shoop v. Patterson*, N.D. Ohio Case No. 3:94 CV 7058; *Shoop v. Fry*, N.D. Ohio Case No. 3:94 CV 7059; *Shoop v. Snyder*, N.D. Ohio Case No. 3:94 CV 7060; and, *Shoop v. Powell*, N.D. Ohio Case No. 3:94 CV 7123.<sup>1</sup>

Because there are no allegations in the instant complaint reasonably suggesting he is in imminent danger of serious physical injury, plaintiff may not may not proceed *in forma pauperis*, and this case is subject to summary dismissal. *Rittner v. Kinder*, 2008 WL 3889860 (6th Cir. 2008).

Accordingly, the order granting plaintiff *in forma pauperis* status (Doc. No. 2) is **vacated**, and this action is dismissed without prejudice.

If plaintiff wishes to continue this case, he must, within thirty days of the entry of this order: 1) pay the \$400 filing fee; and 2) file a motion to reopen this case. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

So Ordered.

/s/ James G. Carr  
Sr. U.S. District Judge

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<sup>1</sup> See also, *Shoop v. Karlin*, S.D. Ohio Case No. 2:96 CV 925 .